

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 2:15-cv-1366-JRG-RSP

**STIPULATION OF JUDGMENT OF NO INVALIDITY UNDER § 101
OF U.S. PATENT NO. 8,191,091**

Plaintiff Personalized Media Communications, LLC (“PMC”) and Defendant Apple Inc. (“Apple”) hereby jointly stipulate and request an entry of judgment of no invalidity under § 101 for U.S. Patent No. 8,191,091 (“the ’091 patent”), as follows:

1. Apple filed a motion for summary judgment that the asserted claims of the ’091 patent are invalid under § 101. (Dkt. 264).

2. A Report and Recommendation was issued January 29, 2021, denying Apple’s motion and finding that the claims are not directed to an abstract idea under Step One of the *Alice* analysis, a pure question of law. (Dkt. 458).

3. The Report and Recommendation was adopted on March 13, 2021. (Dkt. 543).

4. In view of the foregoing, the parties request that the Court enter a Stipulated Judgment of No Invalidity Under § 101 of the asserted claims of the ’091 patent.

5. Upon entry of this Stipulated Judgment of No Invalidity Under § 101, both parties reserve all rights on appeal, including to appeal the Report and Recommendation adopted by the district court denying Apple's motion for summary judgment under § 101.

6. This stipulation does not extend to any other count or counterclaim.

7. Each party shall bear its own costs, expenses, and attorneys' fees relating to the dismissed counterclaims.

Dated: March 18, 2021

Respectfully submitted,

/s/ Melissa R. Smith

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 18, 2021.

/s/ Melissa R. Smith